



**OFFICE OF COMMUNITY DEVELOPMENT
TOWN OF BELMONT**

19 Moore Street
Homer Municipal Building
Belmont, Massachusetts 02478-0900

BELMONT HISTORIC DISTRICT COMMISSION

To: Town Meeting Members
From: Historic District Commission
Date: April 3, 2017

Subj: Amendments to Existing Demolition Delay Bylaw

The Town of Belmont adopted the Demolition Delay Bylaw in 2013 as a tool to encourage the retention of the most significant, unprotected historic buildings in Belmont that contribute to our Town's character. The Bylaw provides time to consider alternatives to demolition of these historic buildings. The proposed amended Demolition Delay Bylaw represents a collaborative effort between the Historic District Commission (HDC), Planning Board, and the Bylaw review Committee to update the Bylaw based on our 3 ½ year experience, as well as information from the recently completed Historic Resources Survey¹ (Survey). The existing Bylaw will expire in spring 2017; this amended Bylaw retains key components of the existing Bylaw and aims to create a clearer, streamlined process through the following revisions:

- Update the List of Significant Buildings (List);
- General formatting;
- Increase Sunset Provision to 5 years;
- Add definition for Demolish;
- Add an Exclusions Section
- Add provision for buildings not demolished;
- Standardize delay period to 12 months
- Delete Severability Clause

Experience with 2013 Bylaw

No property owners on the existing List filed an appeal to have their property removed from the existing List. Two properties were removed from the existing List after the Demolition Delay review process: 257 Prospect Street and 122 Waverley Street. Additionally, one property burned and was removed from the existing List. In the case of 257 Prospect Street – the HDC affirmed the significance of the property but waived the delay period because the owners demonstrated due diligence related to health and safety issues. In regards to 122 Waverley Street, however, HDC imposed the 6-month delay period. Despite numerous offers to meet and extensive neighborhood support to keep the two historic buildings (house and barn), the owner/developer refused to consider any options other than demolition and the structures were ultimately destroyed. The HDC realized through this experience, that the 6-month delay period was not sufficient to affect any influence on the outcome.

¹ For more information on the Survey visit: www.belmont-ma.gov/historic-district-commission

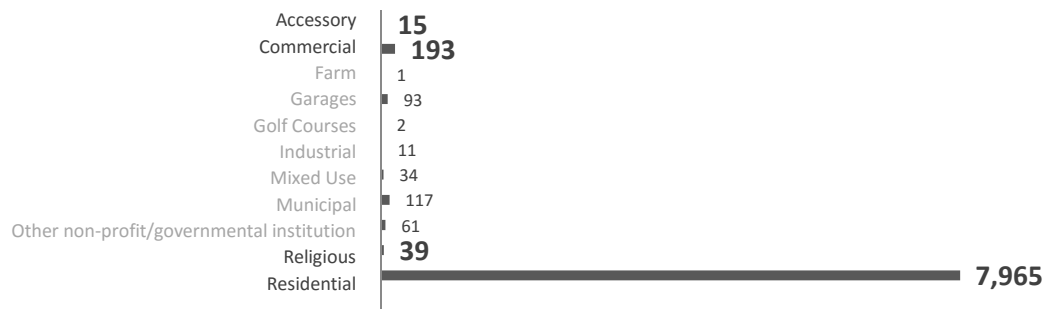
List of Significant Buildings

The existing List consists of 149 properties based on the Town's inventory completed in 1982. The revised List of 182 properties includes data from the recently completed Survey and is composed of 111 properties from the existing List plus 71 new properties. The Survey was instrumental in assessing the integrity and significance of these buildings, and not all of the inventoried properties are recommended for inclusion on the revised List, which represents the best examples of unprotected historic properties of a variety of historic periods and architectural styles. In fact, the Survey identified that 36 properties on the existing List have changed so much that they were removed from the revised List. As with the existing List, the revised List does not include municipal buildings, the former Leonard St. and Waverley fire stations, and buildings in the McLean Hospital, Pleasant Street, Common Street, and Richardson Farm historic districts. The Appeal Process remains and provides an opportunity for property owners to appeal inclusion on the List.

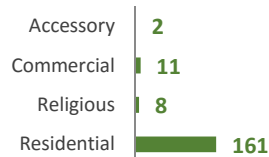
Total Assessed Properties in Belmont: 8,531

Total Properties on the Revised List: 182 (2.1% of all Assessed Properties)

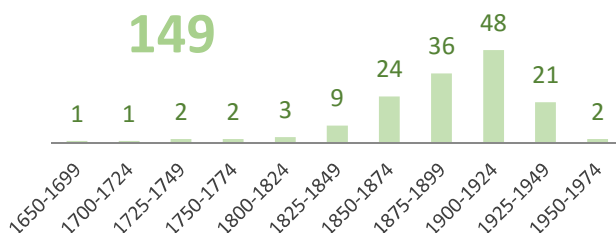
Total Properties in Belmont by Assessed Use



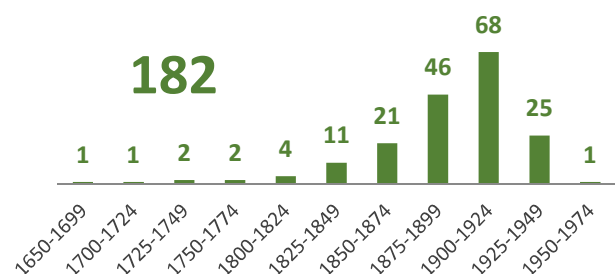
Total Buildings and Structures on the Revised List by Use



Total Buildings and Structures on the Existing List by Period Built



Total Buildings and Structures on the Revised List by Period Built



FAQs

1. What is a Demolition Delay Bylaw?

A Demolition Delay Bylaw affords public review of demolition permit applications for historically significant buildings, and can impose a delay period before the demolition of such buildings may commence. During the delay period, the building owner(s) and the HDC can explore alternative approaches to development to preserve the threatened building. While the Bylaw is not intended to delay demolition indefinitely or prevent it altogether, the opportunity to temporarily postpone the demolition of a Preferably Preserved Building often has a positive outcome.

2. What buildings are affected by this bylaw?

The Demolition Delay Bylaw only applies to buildings included on the List of Significant Buildings. The List was developed utilizing data from the Historic Resources Survey, which was conducted by a historic preservation consultant in conjunction with the Historic District Commission. The Survey began with over 600 properties, 205 of which were inventoried, and ultimately 182 were identified by the HDC as either being associated with historically significant people or events, or were considered to be an outstanding representation of a given architectural style.

3. Why did the general format need revising?

The Bylaw Review Committee previously undertook the effort of standardizing the format for all General Bylaws in Belmont, and amending the format of the Demolition Delay Bylaw brought it current with all other General Bylaw's formatting.

4. Why increase the Sunset Provision from 3 years to 5 years?

Retaining a Sunset Provision allows the Town to review the effectiveness of and potentially improve upon the Bylaw at a later date. It also provides the HDC an opportunity to assess the List of Significant Buildings to ensure it continues to represent buildings and structures of the highest historical and/or architectural integrity in Belmont. During the Bylaw's current tenure, a lack of appeals from property owners and only having two buildings go through the demolition delay process indicates that the Bylaw is appropriate and effective. Furthermore, the List itself is now based on more robust data, which ensures that the buildings placed on the List are more accurately identified as being historically significant. The sunset date of December 31, 2022, is proposed in order to provide the Attorney General sufficient time to review the Bylaw before the 5-year clock starts.

5. How is "Demolish" defined, and why?

Demolish is now defined in the Bylaw as: *Engaging in Demolition*. The definition was needed to provide clarity within the Bylaw.

6. Why add an Exclusions Section?"

The existing definition of "Demolition" lacks clarity on what constitutes "substantial" demolition. However, retaining the existing definition maintains continuity with the State Building Code. By adding the Exclusions Section, the HDC created needed clarity and

identified activities that are not considered demolition, and therefore are not subject to this Bylaw. A more clear and explicit Bylaw helps to ensure a more streamlined and consistent process is applied to all applicants.

7. Why add a provision for buildings that are not demolished?

The provision is added because a loophole currently exists. The goal of the provision is to close that loophole and avoid having buildings or structures removed from the List when no actual plans for demolition and/or redevelopment of the property exist.

8. What is the reason for standardizing the delay period?

The delay period is being standardized because experience gained indicates that a 6 month delay period is not a sufficient time for effective dialogue with a property owner or developer. Additionally, standardizing the delay period creates clarity, ensuring that all buildings on the List are subject to the same process. Furthermore, research into 24 surrounding communities highlighted that no other community has a different delay period between uses, and most have a longer delay period than 6 months. These findings reinforced the belief that a longer delay period is needed to have an effective bylaw and that a standard period, regardless of a building's use, was appropriate.

9. Why delete the severability clause?

The Bylaw Review Committee previously developed a severability clause that covers all General Bylaws for the Town of Belmont. Therefore, the clause is no longer needed within this section.